

Message Text

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PAGE 01 OECD P 14928 101815Z

46

ACTION EB-07

INFO OCT-01 CIAE-00 COME-00 DODE-00 NSAE-00 TRSE-00 EUR-12

ERDA-05 ISO-00 MC-02 ACDA-05 /032 W

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R 101804Z JUN 75

FM USMISSION OECD PARIS

TO SECSTATE WASH DC 7466

C O N F I D E N T I A L OECD PARIS 14928

EXCON

E.O. 11652 XGDS1

TAGS: ESTC, COCOM, US, OGEN

SUBJECT: DISCLOSURE OF COCOM DOCUMENTS UNDER IBM
DISCOVERY ORDER

REFS: A. STATE 172723, AUG. 7, 1974

B. COCOM DOC SEC (74) 6

C. COCOM DOC SEC (75) 6

D. STATE 36519

1. ATTENTION OF EDAC AGENCIES AND JUSTICE IS DRAWN TO REF C, UK MEMORANDUM CONCERNING THE PROPRIETY OF USG RELEASE OF COCOM DOCUMENTS UNDER THE DISCOVERY ORDER. COPIES WERE POUCHED TO EB/EWT UNDER USDEL'S REGISTRY NO. 10126, POUCH B4132, INVOICE CX35, ON JUNE 3. THAT DOCUMENT, WHICH WENT TO ALL DELEGATIONS, SUGGESTED THAT COCOM DEVELOP A PROCEDURE FOR THE RELEASE, AS NECESSARY, OF COMMITTEE DOCUMENTS SUBJECT TO THE AGREEMENT OF THE MEMBER GOVERNMENTS NAMED IN ANY DOCUMENT THE RELEASE OF WHICH IS REQUESTED.

2. ON A BILATERAL BASIS, UKDEL HAS WRITTEN USDEL AS FOLLOWS: "IT WOULD APPEAR THAT THE DOCUMENTS IN QUESTION WERE ABSOLUTELY EXEMPT FROM DISCLOSURE (AND THEREFORE FROM BEING PASSED ON TO UNAUTHORIZED PERSONS) UNDER SECTION 552(B)(1) OF TITLE 5, U.S. CODE, READ WITH SECTIONS
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PAGE 02 OECD P 14928 101815Z

4 (C), AND 5 (B)(1) OF EXECUTIVE ORDER NO. 11652 OF 8

MARCH 1972. SECTION 2 (A) OF PL 93-502 WHICH AMENDS SECTION 552(B)(1) OF TITLE 5, U.S.C. APPEARS ADMITTEDLY TO REMOVE THE AUTOMATICITY OF THE LATTER PROVISION, BUT THE LEGISLATIVE HISTORY OF PL 93-502 INDICATES THAT THE US GOVERNMENT MAY ESTABLISH BY TESTIMONY OR AFFIDAVITS THAT THE DOCUMENTS ARE EXEMPT FROM DISCLOSURE. IN THE VIEW OF THE UNITED KINGDOM AUTHORITIES, THE US GOVERNMENT SHOULD AT THE VERY LEAST AVAIL ITSELF OF THE FACILITIES OF SECTION 552(B)(1), AS AMENDED, LEAVING OUT OF ACCOUNT FOR THIS PURPOSE THE FACTORS REFERRED TO IN THE ANNEX TO COCOM DOC SEC (75) 6".

3. WHILE NO DEBATE ON THE UK MEMORANDUM HAS YET BEEN SCHEDULED BY COCOM, WE CAN EXPECT QUESTIONS FROM OTHER DELS ON STATUS OF DISCLOSURES UNDER THE DISCOVERY ORDER.

4. ACTION REQUESTED: A. INSTRUCTIONS ON UK PROPOSAL IN
REF C
B. INSTRUCTIONS FOR RESPONSE TO
UKDEL'S LETTER
C. STATUS REPORT ON USE BY IBM LEGAL STAFF OF COCOM DOCS MADE
AVAILABLE TO THEM.

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: DOCUMENTS, STRATEGIC TRADE CONTROLS, INFORMATION CONTROL
Control Number: n/a
Copy: SINGLE
Draft Date: 10 JUN 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GarlanWA
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975OECDP14928
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: X1
Errors: N/A
Film Number: D750202-0596
From: OECD PARIS
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750665/aaaacgxm.tel
Line Count: 85
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Office: ACTION EB
Original Classification: CONFIDENTIAL
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Original Previous Classification: n/a
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Reference: 75 STATE 172723, 75 AU7, 75 1974
Review Action: RELEASED, APPROVED
Review Authority: GarlanWA
Review Comment: n/a
Review Content Flags:
Review Date: 14 MAY 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <14 MAY 2003 by MartinML>; APPROVED <09 JUN 2003 by GarlanWA>
Review Markings:

Margaret P. Grafeld
Declassified/Released
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06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: DISCLOSURE OF COCOM DOCUMENTS UNDER IBM DISCOVERY ORDER
TAGS: ESTC, OGEN, US, COCOM
To: STATE
Type: TE
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